

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

INTERSTATE POWER AND LIGHT
COMPANY,

Petitioner,

v.

IOWA UTILITIES BOARD,

Respondent,

and

OFFICE OF CONSUMER ADVOCATE
and IOWA UTILITY ASSOCIATION,

Intervenors.

CASE NO. CVCV065011

**RESPONDENT IOWA UTILITIES
BOARD'S ANSWER TO
FIRST AMENDED PETITION**

COMES NOW Respondent Iowa Utilities Board (Board), by and through its undersigned counsel, and for its Answer to First Amended Petition, respectfully states as follows:

INTRODUCTION

Respondent denies the allegations and characterization of facts in what appears to be an inappropriate summary of argument by Interstate Power and Light Company (IPL) in unnumbered paragraphs in the first three pages of its amended petition. See Iowa Rule of Civil Procedure 1.412.

PARTIES, JURISDICTION, AND VENUE

1. Respondent admits the allegations contained in Paragraph 1 of the amended petition.
2. Respondent admits the allegations contained in Paragraph 2 of the amended petition.

3. Respondent admits the Board issued its Final Order on November 9, 2022, and its Order Addressing Motion for Reconsideration or Rehearing on December 29, 2022, in Board case, *In re: Interstate Power and Light Company*, Docket No. RPU-2021-0003; and in the latter, denied in part IPL's Motion for Reconsideration or Rehearing filed November 29, 2022, and its application seeking approval for advance ratemaking principles for 200 MW of solar generation and a 75 MW battery energy storage system. Respondent denies all remaining allegations contained in Paragraph 3 of the amended petition.

4. Respondent admits the portion of the Order Addressing Motion for Reconsideration or Rehearing denying advance ratemaking principles for 200 MW of solar generation and the 75 MW battery energy storage system is properly before the Court as a result of this Court's March 23, 2023 Ruling, and denies any other allegation contained in Paragraph 4 of the amended petition.

5. Respondent admits the allegations contained in Paragraph 5 of the amended petition.

6. Respondent admits the allegations contained in Paragraph 6 of the amended petition.

7. Respondent admits that IPL seeks reversal of the Board's Order Addressing Motion for Reconsideration or Rehearing and that IPL requests this Court to remand the case to the Board with directions to specify the ratemaking principles for 200 MW of solar generation and the 75 MW battery energy storage system. Respondent denies the Board's orders were erroneous; that advance ratemaking principles are warranted as alleged; and that reversal of the Board's

orders is appropriate. Respondent denies all other allegations contained in Paragraph 7 of the amended petition.

NATURE OF AGENCY ACTION

8. Respondent denies IPL's characterization of Iowa Code section 476.53 and any other allegations contained in Paragraph 8 of the amended petition. Respondent affirmatively states the statutory sections 476.53 and 476.42 and Board subrule 41.1 speak for themselves.

9. Respondent affirmatively states that Iowa Code section 476.53 and specifically, section 476.53(3)(c)(1)(2), speak for themselves. Respondent denies that these are the only requirements for advance ratemaking and denies any other allegation contained in Paragraph 9 of the amended petition.

10. Respondent admits that IPL relied significantly on its 2020 Clean Energy Blueprint (Blueprint) analysis in support of its advance ratemaking application, but affirmatively denies that Respondent provided specific input and denies other parties' involvement due to lack of information. Respondent denies all other allegations contained in Paragraph 10 of the amended petition.

11. Respondent admits the allegations contained in Paragraph 11 of the amended petition.

12. Respondent admits the allegations contained in Paragraph 12 of the amended petition.

13. Respondent admits Paragraph 13 sets forth IPL's grounds in support of its application for advance ratemaking principles, but denies the veracity of those grounds; that IPL is entitled to advance ratemaking principles; that IPL is

appropriately using the term “Integrated Resource Plan;” and any other allegation contained in Paragraph 13 of the amended petition.

14. Respondent denies the allegations contained in Paragraph 14 of the amended petition and affirmatively denies IPL’s characterization of the holding in *NextEra Energy Resources, LLC v. Iowa Utils. Bd.*, 815 NW.2d 30, 41 (Iowa 2012).

15. Respondent admits the Board issued a January 3, 2022 order docketing the application, setting a scheduling conference, and requesting additional information and that IPL filed a January 24, 2022 Response. Respondent denies all other allegations contained in Paragraph 15 of the amended petition.

16. Respondent admits the allegations contained in Paragraph 16 of the amended petition.

17. Respondent admits that on April 1, 2022, IPL filed a Response to the Board’s March 11 Order, but denies all other allegations contained in Paragraph 17 of the amended petition.

18. Respondent admits IPL filed an April 5, 2022 motion requesting an extension in the procedural schedule and the Board granted its request on April 6. Respondent denies all other allegations contained in Paragraph 18 of the amended petition.

19. Respondent admits the allegations contained in Paragraph 19 of the amended petition.

20. Respondent admits the allegations contained in Paragraph 20 of the amended petition.

21. Respondent admits the allegations contained in Paragraph 21 of the amended petition with the exception of the date IPL filed its rebuttal testimony was June 21, 2022, rather than June 20.

22. Respondent admits the allegations contained in Paragraph 22 of the amended petition.

23. Respondent admits that by its August 24, 2022 Order, the Board granted a Joint Motion to Reopen the Record filed by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; the Large Energy Group (LEG); and the Iowa Business Energy Coalition (IBEC) and that the motion addressed the Inflation Reduction Act, signed by President Biden on August 16, and that the motion was unopposed by IPL. Respondent denies all other allegations contained in Paragraph 23 of the amended petition.

24. Respondent admits the allegations contained in Paragraph 24 of the amended petition.

25. Respondent admits that it issued a 16-page Final Order denying IPL's application. Respondent denies all other allegations contained in Paragraph 25 of the amended petition.

26. Respondent denies the allegations contained in Paragraph 26 of the amended petition.

27. Respondent admits IPL filed a Motion for Reconsideration or Rehearing on November 29, 2022, but denies all other allegations contained in Paragraph 27 of the amended petition.

28. Respondent admits the allegations contained in Paragraph 28 of the amended petition, but affirmatively states the order is titled, "Order Addressing Motion for Reconsideration or Rehearing."

29. Respondent denies the allegations contained in Paragraph 29 of the amended petition.

30. Respondent admits that the Board made statements, but denies all other allegations contained in Paragraph 30 of the amended petition.

31. Respondent admits that Paragraph 31 sets forth grounds for IPL not providing required application information, but Respondent denies the grounds are reasonable or meet statutory or Board rule requirements. Respondent denies all other allegations contained in Paragraph 31 of the amended petition.

32. Respondent denies the allegations contained in Paragraph 32 of the amended petition.

33. Respondent denies the allegations contained in Paragraph 33 of the amended petition.

34. Respondent denies that the Board's orders suffer from any of the enumerated defects or grounds and denies all other allegations contained in Paragraph 34 of the amended petition.

PARTICULAR ACTIONS APPEALED FROM

35. Respondent denies the allegations contained in Paragraph 35 of the amended petition.

GROUND UPON WHICH RELIEF IS SOUGHT

36. Respondent admits that Paragraph 36 of the amended petition purports to state grounds upon which relief is sought, but denies that substantial rights of

IPL have been prejudiced; that the Board's orders suffer from any of the enumerated defects or grounds alleged; and any other allegation contained in Paragraph 36.

37. Respondent admits IPL requests an expedited hearing, but denies all other allegations contained in Paragraph 37 of the amended petition.

REQUESTED RELIEF

Respondent admits that Paragraphs 1 through 3 set forth grounds for relief, but denies that the relief requested by IPL is appropriate.

WHEREFORE, the Respondent Iowa Utilities Board prays the Court affirm the agency orders under review and tax the costs of the proceeding to the Petitioner Interstate Power and Light Company.

Respectfully submitted,

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**ALL PARTIES SERVED ELECTRONICALLY
THROUGH COURT EDMS.**